

REMARKS:

Claims 1-3 are pending in the application. In the Office Action dated August 10, 2005, The Examiner objected to the drawings, rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Makino, and rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Vose. These rejections are respectfully traversed.

A replacement drawing sheet is attached which includes new Fig. 2. This Fig. shows an embodiment of the present invention in which the asymmetric compression spring is a spring getting smaller in wire thickness toward one direction. This is not new matter; see paragraph [0011] line 10 and original claim 3.

In this amendment, the specification was amended to refer to new Fig. 2. No new matter is added.

New claim 4 was added which more clearly defines one embodiment of the present invention. No new matter is added.

Regarding the 102(b) rejection of original claims 1 and 2, Makino does not disclose a spring pressuring the piston toward the oil inlet for closing an oil passage connecting the oil inlet and the oil outlet, wherein the spring is an asymmetric compression spring designed to render the compression length change of said spring to be relatively large when low oil pressure is applied and slight when high oil pressure is applied.

First, an asymmetric compression spring does not pressure a piston toward an oil inlet in Makino. The Examiner referred to poppet valve 3 as a piston. Makino's piston 7, however, is the only piston disclosed. Piston 7 is forced away from oil inlet 10 by spring 9 which is not an asymmetric compression spring (See Figs. and column 3, lines 25-26). Spring 21 has no effect on piston 7. In contrast, claim 1 of the instant application contains the limitation that a spring pressures the piston toward the oil inlet, wherein said spring is an asymmetric compression spring, and new claim 4 contains the limitation that a spring pressures the piston toward the oil inlet, wherein the diameter of the spring decreases toward one end, neither of which limitations is disclosed in the reference.

Second, a spring does not pressure a piston for closing an oil passage in Makino. The instant application discloses that the spring ordinarily keeps the oil passage closed and that oil pressure must overcome the force of the spring to open it (paragraph [0012]). Assuming even for the sake of argument that poppet valve 3 is a piston, which Applicant maintains it is not, when it is forced to the left by spring 21 alone or in conjunction with hydraulic pressure, fluid passageway 18 is not closed. Only a high pressure differential can cause fluid passageway 18

to be closed (column 4 lines 8-21). Therefore Makino does not disclose a spring pressuring the piston toward the oil inlet for closing an oil passage, which limitation is in the claim language of claim 1 and new claim 4.

The 103(a) rejection of claim 3 is rendered moot by the patentability of independent claim 1.

For at least these reasons, claim 1 and its dependents, as well as new claim 4, are patentable over Makino.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0170)

Respectfully submitted,



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